

SENATE BILL 287
By Finney

AN ACT to amend Tennessee Code Annotated, Title 66,
Chapter 28 and Title 66, Chapter 7, relative to civil
immunity for landlords.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 28, Part 3, is amended by
adding the following as a new section thereto:

66-28-306.

Any landlord that, upon request by a prospective landlord or a current or former tenant,
provides truthful, fair and unbiased information about a current or former tenant's rental
history is presumed to be acting in good faith and is granted a qualified immunity for the
disclosure and the consequences of the disclosure. The presumption of good faith is
rebuttable upon a showing by a preponderance of the evidence that the information
disclosed was:

- (1) Knowingly false;
- (2) Deliberately misleading;
- (3) Disclosed for a malicious purpose;
- (4) Disclosed in reckless disregard for its falsity or defamatory nature; or
- (5) Violative of the current or former tenant's civil rights pursuant to current
housing discrimination laws.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 7, Part 1, is amended by
adding the following as a new section thereto:

66-7-111.

Any landlord that, upon request by a prospective landlord or a current or former tenant, provides truthful, fair and unbiased information about a current or former tenant's rental history is presumed to be acting in good faith and is granted a qualified immunity for the disclosure and the consequences of the disclosure. The presumption of good faith is rebuttable upon a showing by a preponderance of the evidence that the information disclosed was:

- (1) Knowingly false;
- (2) Deliberately misleading;
- (3) Disclosed for a malicious purpose;
- (4) Disclosed in reckless disregard for its falsity or defamatory nature; or
- (5) Violative of the current or former tenant's civil rights pursuant to current

housing discrimination laws.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.